

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 5: Rio Gallina

Subfile No. CHGA-004-0001A

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed August 31, 2001 (Docket No. 6329) in connection with defendants JULIAN VIGIL, MARY VIGIL and ROBERT M. VIGIL ("Defendants") and subfile CHGA-004-0001A, and as grounds plaintiff states as follows:

1. The Consent Order filed August 31, 2001 in subfile CHGA-004-0001A incorrectly describes the amount of the irrigated acreage in the 1/4 subsections of Sections 8, Township 23 North, Range 1 East. The total amount of irrigated acreage described in the Consent Order filed August 31, 2001 is correct (37.6 acres), but the division of that acreage into the 1/4 Sections of Section 8 is incorrectly described.
2. The Consent Order filed August 31, 2001 in subfile CHGA-004-0001A should be vacated.
3. The Defendants have signed and approved a revised Consent Order to be filed with the Court that corrects the errors described in paragraph one above.

4. The Defendants support the granting of this motion.

WHEREFORE, the plaintiff State of New Mexico requests the Court to vacate the Consent Order filed August 31, 2001 (Docket No. 6329) in connection with defendants JULIAN VIGIL, MARY VIGIL and ROBERT M. VIGIL and subfile CHGA-004-0001A.

Respectfully submitted,

/electronic signature/
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion to Vacate Consent Order was mailed to following persons on July 26, 2004.

/electronic signature/
Edward G. Newville

RIO CHAMA SECTION 5 SERVICE LIST

Special Master Vickie L. Gabin USDC-DCNM P.O. Box 2384 Santa Fe, NM 87504-2384	Denver, CO 80202 John W. Utton, Esq. Sheehan, Sheehan & Stelzner PA P.O. Box 271 Albuquerque, NM 87103-0271	Fred Vigil, Chairman Depart. of Finance & Admin. Local Government Division Bataan Memorial Building Santa Fe, NM 87503
Karla McCall, Data Manager. 1315 Sagebrush Dr. SW Los Lunas, NM 87031	Fred J. Waltz, Esq. P.O. Box 6390 Taos, NM 87571-4010	Robert M. Vigil P.O. Box 108 Gallina, NM 87017
Mary E. Humphrey, Esq. P.O. Box 1574 El Prado, NM 87529-1574	Paula Garcia NM Acequia Association 430 W. Manhattan, Ste. 5 Santa Fe, NM 87501	Mary Vigil P.O. Box 13 Gallina, NM 87017
Bradley S. Bridgewater, Esq. David W. Gehlert, Esq. USDOJ-ENRD 999 18th St., Suite 945	NM Acequia Commission	Julian Vigil P.O. Box 122 Gallina, NM 87017